



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: June 8, 2021

17

TO: Board of Supervisors

**SUBJECT: ESTABLISH APPROPRIATIONS OF \$467,500 TO SUPPORT THE
COUNTY OF SAN DIEGO INDEPENDENT REDISTRICTING COMMISSION
(DISTRICT: ALL)**

OVERVIEW

Pursuant to California Elections Code Section 21550-21553 and the Charter of the County of San Diego, the decennial responsibility to draw new supervisorial district boundaries in 2021 is being completed by the County's first Independent Redistricting Commission (IRC). The full IRC was seated on November 20, 2020.

Since that time, the IRC has reviewed the preliminary redistricting budget of \$750,000 that was established by the Board of Supervisors (Board) in the context of actual experience and work currently underway along with the many uncertainties in the redistricting timeline and meeting schedule due to delayed release of Census data. On March 11, 2021 the IRC formed an Ad Hoc Committee to develop recommendations for an update to the redistricting budget as a basis for a request to the Board, and on May 13, 2021 the IRC approved making a request to the Board for additional appropriations of \$467,500 primarily for unanticipated legal services, Information Technology (IT) needs, translation and interpretation services and to establish a reserve for future and unforeseen expenses.

Today's action includes a request from the IRC to the Board to establish appropriations of \$467,500 for support of the IRC and its redistricting responsibilities through project completion.

RECOMMENDATION

CHIEF ADMINISTRATIVE OFFICER

Establish appropriations of \$467,500 in the Finance and General Government Group Executive Office, Services & Supplies to support the County's Independent Redistricting Commission based on available prior year General Fund fund balance. **(4 VOTES)**

EQUITY IMPACT STATEMENT

The County's decennial redistricting process of the IRC seeks to ensure equal voter representation to the extent possible and meet requirements under law, including for public input. Budgeted appropriations support the IRC's broad and diverse public outreach, engagement, and community participation efforts toward drawing equitable supervisorial district lines that represent the

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County's diversity. With increased inclusivity, the Commission's redistricting process can result in equitable political representation, thereby increasing the opportunity for public policies that support all San Diego County communities in building better health, living safely, and thriving.

FISCAL IMPACT

Additional funds for support of the Commission's services and activities are not included in the Fiscal Year (FY) 2020-21 Operational Plan for the Finance and General Government Group Executive Office. If approved, this request will result in additional appropriations of \$467,500 for the Independent Redistricting Commission in Fiscal Year 2020-21 for a total budget of \$1,217,500 based on available prior year General Fund fund balance. There will be no additional staff years. Any funds remaining at the end of FY 2020-21 will be carried forward for use in support of the Commission in FY 2021-22 and through redistricting project completion.

BUSINESS IMPACT STATEMENT

The IRC has issued two Requests for Proposals to competitively procure Public Outreach and Engagement Services, and Demographer Services, respectively, to support redistricting. Issuance of these contracts will provide additional business opportunities for community-based organizations and/or private firms to implement outreach and demography projects approved by the IRC.

ADVISORY BOARD STATEMENT

On May 13, 2021 the IRC approved a recommendation from its Budget Ad Hoc Committee, "to increase the San Diego County Independent Redistricting Commission Budget in the amount of \$467,500 to \$1,217,500 and direct staff to request from the San Diego County Board of Supervisors an additional funding allocation in the amount of \$467,500." During the discussion, the IRC reviewed the budgetary impact of changes to the contract with legal counsel and other needs that have been identified since the formation of the IRC by the Budget Ad Hoc Committee. The IRC unanimously approved, by a 14-0 vote, the recommended increase and directed staff to request from the Board of Supervisors additional appropriations of \$467,500 primarily for an unanticipated increase in contracted legal responsibilities but also for IT needs, translation and interpretation services and to establish a reserve, bringing the total IRC budget to \$1,217,500.

BACKGROUND

Every ten years, after the federal census, district boundaries for federal, state, and local elected offices are redrawn to reflect new population data and shifting populations to ensure equal representation to the extent possible and meet requirements under law, including for public input. This process is called redistricting. California Elections Code Section 21550-21553 and the County Charter, Section 400.1 set forth the rules for drawing the supervisorial boundaries and provides that the responsibility to draw the new supervisorial district boundaries rests with the County's first Independent Redistricting Commission (IRC). Additionally, California Elections Code Section 21552(c)(8) requires the Board of Supervisors to provide for reasonable funding and staffing for the Commission.

On October 13, 2020 (4) the Board of Supervisors (Board) established appropriations of \$750,000 as a preliminary budget for support of the IRC in Fiscal Year 2020-21 as required under State law

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based on available prior year General Fund fund balance, and selected the first eight Commissioners by random drawing. On November 20, 2020 the IRC selected the remaining six Commissioners to form the full IRC, made up of 14 selected citizen volunteers from throughout the County.

As established by the Board, the preliminary budget was intended for County staff support of the IRC in Fiscal Year 2020-21, including initial onboarding and subsequent legally required and other activities of the IRC, including public hearings in each supervisorial district, mapping, public outreach, translation, contracted and other services.

Since its formation, the IRC has met biweekly, including monthly budget reviews and other budget-related actions and discussions. On March 11, 2021 the IRC formed an Ad Hoc Committee to develop recommendations for an update to the redistricting budget as a basis for a request to the Board, based largely on unanticipated changes to the County's contract with external legal counsel supporting redistricting and other unanticipated developments from outside the County (e.g., the delayed release of federal and state census data).

Since the redistricting budget was established by the Board, the responsibilities of contracted legal counsel have increased significantly from the initial project estimate, notably in the areas of general counsel services and procurement advisory services for the IRC. It was initially estimated that the County's contracted legal services would include only specialized redistricting counsel, with the other responsibilities addressed internally by County Counsel (general and procurement) at no direct cost to the Commission's budget. However, as the actual work of the IRC proceeded County Counsel determined it could not perform the services related to the increased responsibilities of contracted legal counsel. The legal services agreement with Nielsen Merksamer Parrinello Gross & Leoni LLP was amended to revise the payment structure to better align compensation with the hours required to fulfill increased responsibilities.

Further, the U.S. Census announced in February a four-month delay in the release of data for redistricting which is now anticipated no sooner than mid-August 2021. However, the statutory deadline for the IRC to adopt a redistricting map of December 15, 2021 has not changed, as of yet. However, the California State Legislature currently is considering Senate Bill 594 (Glazer) which attempts to address the impact on local redistricting efforts through changes to statutory requirements and by potentially extending the IRC's map adoption deadline. Due to these uncertainties, the IRC is now estimating that the timeline for the redistricting project could possibly extend through March 2022.

Accordingly, on May 13, 2021, the IRC Budget Ad Hoc Committee recommended the IRC request from the Board an increase of \$467,500 for unanticipated legal services, IT needs, translation and interpretation services and to establish a reserve for future unforeseen expenses. This recommendation was approved unanimously by the IRC, with due regard for the IRC's work and its commitment to effective and efficient stewardship of public funds.

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Attachment A includes the IRC approved line-item budget of the recommended budget increase, which includes:

- Increase of \$360,000 including:
 - Net increase of \$250,000 for unanticipated costs associated with the amendment to the existing contract with Nielsen Merksamer Parrinello Gross & Leoni LLP for external legal counsel.
 - Net increase of \$110,000 for potential future legal costs for additional contracted expert legal services that may be needed to support the IRC's map drawing activities.
- Increase of \$52,500 for costs associated with translation and interpretation for unanticipated future public meetings of the IRC that may be needed, based on the translation requirements of the California Elections Code. Due to the Census data delay and potential legislative changes, much uncertainty remains about the IRC's timeline for public meetings in the Fall of 2021. The recommended increase would support translation and interpretation for five "Education Tour" informational meetings about redistricting and ten additional meetings of the IRC that may be needed.
- Increase of \$50,000 as a reserve for unforeseen future expenses, including any unanticipated needs as in-person meetings resume.
- Increase of \$5,000 for additional IT equipment to address the County's emergent requirements for remote network security for Commissioners, and other future needs.

If approved, today's actions would establish additional appropriations of \$467,500 in the Finance and General Government Group Executive Office, Services & Supplies in Fiscal Year 2020-21 to support the IRC based on available prior year General Fund fund balance. However, due to the uncertainties still present in the IRC's timeline, County staff may return to the Board to request additional appropriations at a later date, subject to the needs and direction of the IRC.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Sustainable Environments/Thriving Strategic Initiative in the County of San Diego's 2021-26 Strategic Plan by creating and promoting diverse opportunities for residents to exercise the right to be civically engaged and find solutions to current and future challenges.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Attachment A – IRC Budget Recommendation Approved 05-13-21

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☒ Yes ☐ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

October 13, 2020 (4) Notice of Public Hearing: Selection of the First Eight Members of the County of San Diego Independent Redistricting Commission by Random Drawing and Establish Appropriations for Support of the Independent Redistricting Commission

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

California Elections Code, Division 21, Chapter 6.5 (Sections 21550-21553)
Charter of the County of San Diego, Section 400.1

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: Finance and General Government Group Executive Office

OTHER CONCURRENCE(S): N/A

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